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Summary of stakeholders' submissions[1] on Indonesia*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 51 stakeholders' submissions[2] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contributions by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The Indonesian National Human Rights Commission (*Komnas HAM*) recommended that Indonesia ratify the OP-CAT, the Rome Statute of the International Criminal Court, the International Convention on the Protection of All Persons from Enforced Disappearance and the OP-CRPD.[3]

3. *Komnas HAM* stated that the implementation of the National Human Rights Action Plan was slow, due to lack of regulatory and support mechanisms.[4]

4. *Komnas HAM* stated that the draft Law on terrorism was not in line with human rights standards, due to the inclusion of the death penalty as a punishment option, overly long periods of custody, extrajudicial detention of suspected terrorists for 6 months and of

* The present document was not edited before being sent to United Nations translation services.

the military's role in counter-terrorism.[5] It also stated that the legal process in cases potentially resulting in death sentences did not provide judicial and legal protection as the rights of death row inmates, including to legal aid and interpretation and in relation to allegations of torture were not respected.[6]

5. *Komnas HAM* noted that various forms of torture and cruel and degrading treatment often occurred during police investigations.[7]

6. *Komnas HAM* emphasized that throughout 2012–2016, human rights defenders across the country were under attack in various forms, including murder. It also noted that public anti-LGBT campaigns were increasing, encouraged by anti-LGBT public comments, including by ministry representatives and members of Parliament. It further highlighted that violence continued between religious groups in the form of arson and obstruction of religious observances of religious minorities. Police had been hesitant to interfere in violence between religious communities.[8]

7. *Komnas HAM* stated that forced evictions occurred during infrastructure development projects that in practice often involve the use of violence and excessive force by security bodies, resulting in the loss of shelter, arbitrary arrest, homelessness and non-respect of the right to participate in city planning.[9]

8. *Komnas HAM* recommended that a comprehensive and integrated health study be conducted, including examination of regulations related to the impact of forest and peat-land fires, especially related to vulnerable groups, which will generate data necessary for the full participation in the National Health Insurance and the creation of a comprehensive working plan.[10]

9. *Komnas HAM* noted that accessibility for participation in local elections for persons with disabilities was limited, especially for persons with mental disabilities and those living in remote rural areas. Persons with mental disabilities still experienced difficulties with accessing medicines and health services, due to stigmatization and neglect.[11]

10. *Komnas HAM* stated that very few indigenous communities had been recognized by local governments, that the rights to communal lands had not been restored since the period of colonial rule, and that vast territories belonging to indigenous peoples were claimed as state land. It further highlighted that indigenous community leaders and rights activists faced criminalization while attempting to defend rights to indigenous territories.[12]

11. *Komnas HAM* stated that existing policies had not addressed underlying problems in Papua and West Papua. Various forms of injustice in the field of civil and political rights, as well as economic, social and cultural imbalances required the immediate restoration of the rights of the Papuan people.[13]

12. While noting that many businesses continued to violate human rights, *Komnas HAM* recommended that the Government provide rehabilitation for victims of human rights violations resulting from business activities, and hold corporations responsible through establishing regulations based on existing national human rights instruments.[14]

III. Information provided by other stakeholders

A. Scope of international obligations[15] and cooperation with international human rights mechanisms and bodies[16]

13. Amnesty International (AI) noted that Indonesia supported recommendations to extend a standing invitation to all UN special procedures of the Human Rights Council and specifically accepted to invite and facilitate the visits of the Special Rapporteurs on

adequate housing, health, freedom of expression, the right to food, and the rights of indigenous peoples, as well as the Working Group on Enforced or Involuntary Disappearances and the Independent Expert on minority issues. Since the last UPR, the Special rapporteurs on adequate housing had visited Indonesia.[17]

B. National human rights framework[18]

14. AI noted that in Aceh Province, the Aceh Islamic Criminal Code, which came into effect on 23 October 2015, criminalizes consensual sexual relations and same-sex relations and extends the use of caning as a form of punishment.[19]

15. The Indonesian National Commission on Violence against Women (*Komnas Perempuan*) noted the political commitment to support *Komnas Perempuan* as a national human rights institution. However, this had not yet translated into concrete action by way of allocation of resources, funding and an independent working unit.[20]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination[21]

16. Solidaritas Perempuan (SP) highlighted that *Qanun Jinayah* (the Sharia) in the Aceh Province discriminated against women, and violated human rights.[22]

17. Joint Submission 14 (JS14) stated that state protection for the LGBTI community was too weak and the authorities did not actively prevent intolerance and discrimination against them.[23]

Development, environment and business and human rights[24]

18. Joint Submission 17 (JS17) highlighted that land and resources in West Papua were being exploited by destructive large-scale development projects, especially mines, oil and gas projects, logging and palm oil plantations of multi-national and Indonesian timber, mining and gas companies.[25]

19. Joint Submission 32 noted that from February–April 2014, in Riau, 2,398 hectares of biosphere reserves and 21,914 hectares of other land were burned. As a result, 58,000 people suffered from respiratory illness, affecting their right to health, and schools were closed, affecting children's right to education.[26]

20. JS18 noted that large-scale investment projects in West Papua had multiple adverse impacts on the environment.[27] Saniri Alifuru noted that mining activities had caused water contamination, due to mercury and other chemicals, and soil erosion making certain areas unsuitable for future use by indigenous peoples.[28]

21. Joint Submission 25 recommended that the Government pay serious attention to the regulations on business enterprises and human rights in order to prevent non-state actors from perpetrating human rights violations, as well as from criminalization of human rights defenders.[29] Joint Submission 26 recommended that the Government take all necessary and immediate measures to investigate and prosecute any corporations that violate the laws and rights of indigenous Papuans.[30]

Human rights and counter-terrorism

22. Joint Submission 4 (JS4) noted that the Government enacted several repressive acts such as Law No. 15/2003 on Anti-terrorism. The revised Anti-terrorism Law contained hate speech provisions often used to criminalize individuals exercising their right to freedom of opinion and expression.[31]

2. Civil and Political Rights

Right to life, liberty and security of the person[32]

23. Joint Submission 23 noted that the 2015 Draft Bill of Penal Code (RKUHP) contained 26 articles that provide for capital punishment, and covered at least 15 offences, including treason, drug-related crimes, terrorism and corruption.[33] Joint Submission 30 urged the Government to ensure that provisions in the Draft Bill of Penal Code and other regulations must not contain elements that could potentially violate human rights or allow arbitrary action by law enforcement against citizens.[34]

24. AI noted that Indonesia resumed executions in March 2013 after a four year hiatus. Since then, Indonesia had executed 22 individuals. Almost all the executions were related to drug-trafficking offences. AI highlighted the systematic flaws in the administration of justice in Indonesia, which lead to violations of fair trial standards and other international standards that must be strictly observed in particular in all death penalty cases.[35]

25. Joint Submission 9 (JS9) specified that as of 16 September 2016, there were at least 178 people on death row; 105 for drug offences; 71 for murder and 2 for terrorism.[36] JS9 also highlighted that prisoners on death row who had been convicted and sentenced to death for a drug-related offence had been denied access to a meaningful clemency process because Indonesia exercises blanket refusal to consider clemency applications in all drug-related cases.[37]

26. AI noted that Indonesia had yet to implement the supported recommendations to revise the Criminal Code to criminalize torture and that torture was still not defined as a criminal offence in the Criminal Code or other national legislation.[38] Joint Submission 3 (JS3) highlighted that torture was still routinely used to obtain confessions and extract information from detainees during criminal investigations.[39] Asian Legal Resource Centre stated that in the past four years, most torture committed by police officers related to obtaining confessions from suspects in custody.[40] JS3 also emphasized that most political prisoners in Papua experienced torture during their arrest, detention and interrogation.[41]

27. Joint Submission 1 (JS1) expressed deep concern about attacks and intimidation of journalists and the brutal killings and harassment of human rights defenders.[42] Joint Submission 5 highlighted that women human rights defenders faced a particular risk of intimidation and physical violence.[43]

28. JS9 stated that prisoners had been physically assaulted by police officers after arrest and during interrogation, and that prisoners were often tortured in order to obtain a confession.[44]

29. Human Rights Watch (HRW) emphasized that the Government fuelled an unprecedented attack against sexual and gender minorities in early 2016. Anti-LGBT statements by government officials created an environment of social sanction for harassment and violence against LGBT Indonesians that even led to death threats by militant Islamists.[45]

30. Joint Submission 6 (JS6) noted at least five alleged hate killings against transgender women in North Sulawesi between 2012–2016, and that arbitrary arrests and unlawful

searches against LGBT individuals had been widely practiced by law enforcement personnel and public order officers.[46]

31. Christian Solidarity Worldwide (CSW) noted the April 2016 decision to punish an elderly Christian woman and subject her to whipping for selling alcohol.[47] Children under the age of 18 years could also be subjected to caning.[48] JS10 noted that legislation criminalizing same-sex relations in Aceh, a bylaw based on Sharia (Qanun Jinayat), was implemented at the end of 2015 that contains criminal offences such as *liwath* (anal sex between consenting men) or *musahaqah* (tribadism between two consenting women), which will be punished by a maximum of 100 lashes or 1,000 grams of gold fine or 100 months of imprisonment.[49]

Administration of justice, including impunity, and the rule of law[50]

32. JS9 noted that prisoners had been denied the presumption of innocence because the evidence relied upon to support a conviction was flawed and/or there had been a failure to give consideration to exculpatory evidence.[51] JS9 also noted the many instances where prisoners had been denied access to a competent lawyer.[52]

33. Lawyers for Lawyers (L4L) noted that members of law enforcement agencies or investigative bodies regularly subjected Indonesian lawyers to improper interference or attempts to put pressure on them.[53]

34. L4L emphasized that lawyers were victims of threats, intimidation and physical attacks, including by members of law enforcement agencies or investigative bodies.[54] L4L further stated that Indonesian authorities sometimes failed to carry out prompt, thorough, impartial and transparent investigations into such threats and attacks so as to identify those responsible and bring them to justice.[55] *Freedom Now* recommended that Indonesia thoroughly investigate all cases of arbitrary detention, torture and other human rights violations directed against human rights defenders and opposition leaders and provide compensation for such violations.[56] HRW recommended that the Government publicly reaffirm its intent to seek accountability for past gross human rights abuses and disclose a timetable for how the accountability process will proceed.[57]

35. Joint Submission 22 stated that impunity was still firmly entrenched and perpetrators of human rights violations were not brought to legal proceedings.[58] AI expressed concern about the lack of an independent, effective, and impartial oversight mechanism to investigate human rights violations committed by the security forces and to take forward its findings in prosecution.[59] Joint Submission 2 (JS2) noted the Attorney-General Office's refusal to further investigate cases referred to it by *Komnas HAM* following official inquiries in human rights violations that occurred in Aceh.[60]

36. The Foundation IPT 1965 (IPT 1965) noted that none of the organizers, perpetrators or supporters of the crimes committed after 1 October 1965 had been brought to justice and the victims of those crimes faced with continued harassment and deprivation.[61] JS2 also highlighted that given the lack of a policy for vetting security sector personnel linked to serious crimes, including those prosecuted in human rights courts, these individuals continued to serve, receive promotions and sit in elected office.[62]

37. AI highlighted that President Joko Widodo announced the establishment of a non-judicial mechanism, a reconciliation committee. Human rights groups expressed concern that the "reconciliation committee" will compromise Indonesia's obligations under international law to prosecute those responsible for grave human rights violations.[63] JS2 expressed concern that Mr. Wiranto, indicted for several heinous crimes in the past, was appointed Minister of Political, Legal and Security Affairs and announced that the Government would establish a non-judicial mechanism to resolve all past human rights violations.[64]

38. AI noted that in July 2016, the Aceh provincial parliament appointed seven commissioners to the Aceh Truth and Reconciliation Commission expressing concern that to date the central Government had not declared its support of this Commission.[65]

Fundamental freedoms and the right to participate in public and political life[66]

39. HRW stressed that discrimination against religious minorities was deeply entrenched in the state bureaucracy, fuelled by discriminatory laws and regulations, including a blasphemy law that recognizes only six religions, and house of worship decrees that give local majority populations significant leverage over religious minority communities.[67]

40. JS14 stated that a number of regulations and policies that restrict and undermine the right to freedom of religion or belief continued to be maintained.[68] CSW expressed concern about the continuing violations of freedom of religion or belief arising from the 2006 Joint Regulation of the Minister of Religious Affairs and the Minister of Home Affairs No. 8 and 9/2006, on the construction of places of worship, the 2008 Joint Decree of the Minister of Religious Affairs, the Attorney General and the Minister of Home Affairs restricting the activities of the Ahmadiyah community; and the 1965 blasphemy law, set out in Articles 156 and 156 (a) of the Criminal Code and in Presidential Decree No. 1/PNPS/1965.[69]

41. ADF International (ADF) specified that the revised Joint Ministerial Decree on the construction of houses of worship requires applying religious groups to obtain at least 90 signatures from within the groups and 60 signatures in support from members of other religious groups. Further approval is required by the Inter-religious Harmony Forum.[70]

42. ADF emphasized that Indonesia must ensure that Christians and other religious minorities can freely exercise their right to freedom of thought, conscience and religion in their worship, observance, practice and teaching. Indonesia must also protect Christians and other religious minorities from discrimination and persecution.[71]

43. AI expressed concern about Criminal Code provisions that criminalize blasphemy and religious defamation. AI highlighted that a joint ministerial decree, No. 93/2016, which bans the "Millah Abraham" belief adhered to by former members of Gafatar, risks marginalizing this group and further worsening the current atmosphere of intolerance and fear that had led to harassment, intimidation and attacks against members of the Gafatar community.[72] Joint Submission 15 (JS15) recommended that Indonesia repeal blasphemy provisions in Act PNPS/1/1965 and 3 Ministerial Joint Decrees about Gafatar and stop the criminalization of the leaders and/or adherents of Gafatar.[73]

44. JS14 stated that since 2001, Ahmadiyah had frequently been targeted by acts of intolerance, discrimination and violence. Some of their mosques were closed or sealed and subjected to demolition.[74]

45. Joint Submission 24 (JS24) stated that the past 5 years had seen an escalation in anti-Shi'a campaigns across the country. JS24 recommended that the Government protect the Shi'a community, facilitate a permanent resolution to the problem, ensure the community's safety and security, and provide for their economic welfare.[75]

46. Joint Submission 7 stated that the Falun Dafa community had been subjected to discrimination and various restrictions, including the Government's refusal to register the Indonesia Falun Dafa Association.[76]

47. JUBILEE recommended that Indonesia address factors that contribute to a climate of impunity, including its failure to investigate and prosecute crimes against religious minorities, and investigate judicial corruption in which spurious accusations and heavy sentences penalize the victims of violent crimes.[77]

48. JS1 highlighted that Law No.8 (2008) on Electronic Information and Transactions had been used to restrict freedom of expression, criminalize online freedoms and target those who use social media to express concerns about the actions of the Indonesian authorities.[78] Joint Submission 20 recommended that the Government repeal all criminal provisions for acts of defamation under the Electronic Information and Transactions Law and the proposed Bill of Penal Code.[79]

49. JS1 noted approximately 72 cases of violations of the rights to freedom of assembly and expression between 2015 and August 2016, whose prime perpetrators were believed to be law enforcement officers.[80]

Prohibition of all forms of slavery[81]

50. The Indonesian Commission on Child Protection (KPAI) noted that many children became victims of trafficking, prostitution and pornography, and that the State attention to rehabilitation of child victims and restitution were still low.[82]

Right to privacy and family life

51. Joint Submission 13 (JS13) noted the Bill on Personal Data circulated in 2015 and consultations thereon were closed on 31 July 2015. Since then, there had been no action taken by the Government.[83]

52. JS13 noted routine allegations by activists and journalists of covert physical and communications surveillance.[84]

53. JS13 expressed concern that mandatory SIM registration undermines the ability of users to communicate anonymously and disproportionately disadvantages the most marginalized groups.[85]

3. Economic, Social and Cultural Rights

Right to work and to just and favourable conditions of work [86]

54. JS18 highlighted the fact that limited access to education and the resulting low education standard in West Papua triggered unemployment in these areas where extractive industries are the main employers.[87]

Right to an adequate standard of living [88]

55. Joint Submission 31 (JS31) noted that forced eviction occurred in the context of several development projects such as reservoir, waters normalization, city parks, and road constructions for police facilities.[89]

56. Joint Submission 33 highlighted that the use of violence still dominated the practice of security forces and companies when it comes to dealing with protests or forced evictions. The violence was mostly committed by state security forces (police and military) but also by companies.[90]

57. JS18 noted that in West Papua, the clearing of land had caused the destruction of local communities' staple food sources such as *sago* stocks,[91] highlighting that the conversion of forest areas into palm oil plantations or logging areas had led to numerous cases of eviction, poverty and malnutrition.[92]

Right to health[93]

58. Joint Submission 18 (JS18) emphasized that health services were rare, particularly in rural and coastal areas, islands and the highlands of West Papua. Further, there were such

problems as shortage of medical personnel, mismanagement, poor accountability and a culture of mistrust between indigenous people in West Papua and the Government.[94]

59. JS9 noted that people who inject drugs faced significant barriers in accessing necessary treatment for blood-borne viruses, including inadequate preventive education and prohibitive costs for treatment and testing.[95] JS9 recommended that Indonesia end such compulsory drug treatment and reform mandatory reporting requirements, including putting in place a policy that guarantees the informed consent of a person seeking drug treatment and scaling up treatment options that are based on scientific evidence.[96]

60. Joint Submission 19 (JS19) noted that married women could not legally access contraception without the permission of their husband. Access to contraception by unmarried women remained illegal, and the Penal Code restricted abortion and criminalized women who seek abortion, people who assist women seeking abortion information or services, those who provide information and give advice on abortion services, as well as health service providers who provide abortion services.[97]

61. Joint Submission 10 (JS10) emphasized that the lack of quality comprehensive sexuality education and access to sexual and reproductive health services hampered young people's ability to take decisions about their sexual lives, which negatively impacted their health outcomes and led to a high prevalence of HIV/AIDS, early pregnancies, unsafe abortions, child marriages, and sexual violence and exploitation.[98] JS18 noted that Indonesia was among six countries which have not been able to ensure access to anti-retroviral treatment (ARV) for the HIV/AIDS affected population.[99]

Right to education[100]

62. JS18 expressed concern about the lack of a specific curriculum adapted to the culture in West Papua, inadequate academic competences, lack of understanding towards Papuan culture amongst teachers and the uneven distribution of teachers between the cities, the coastal regions, the interior and isolated areas.[101]

4. Rights of specific persons or groups

Women[102]

63. *Komnas Perempuan* noted: increasing sexual violence; criminalization of women through the implementation of Law no. 23/2004 on the Elimination of Domestic Violence; vulnerability of women caused by unregistered marriages; and state legalization of child marriage.[103]

64. HRW noted that the Government subjected female applicants for Indonesia's National Police and all branches of the military to discriminatory and degrading "virginity tests", which is a form of gender-based violence and a widely discredited practice.[104]

65. *Komnas Perempuan* noted that gender-based violence was occurring against women from indigenous communities.[105]

66. HRW highlighted that millions of Indonesian women worked abroad as domestic workers and risked serious abuses, including non-payment or delayed wages, excessive work and a lack of rest and physical or sexual abuse at the hands of their employers.[106]

67. HRW noted the local laws compelling women and girls to wear the hijab or headscarf in schools, government offices and public spaces while recommending repeal of such discriminatory local regulations that violate women's rights.[107]

68. *Komnas Perempuan* highlighted that forced evictions removed women from their homes, and could result in increasing violence against women, loss of livelihood, removal

from social circles and from access to public services and uncertainty over land tenure and control.[108]

Children[109]

69. KPAI highlighted that the street children phenomenon was a chronic problem, caused by poverty, charity mentality, family disharmony and the bad atmosphere that impacts on family bond.[110]

70. JS10 noted that child victims of sexual abuse received treatment too late or were ill-treated, because of stigma, which has aggravated their condition. Child victims of violence suffered from multi-layered impacts such as unwanted pregnancies, sexually transmitted diseases, decreased performance in school, bullying and expulsion from school or their communities.[111]

71. JS10 noted a steady increase in marriage among girls aged between 16 and 17 years. JS10 also highlighted that child marriage and education levels were interlinked as poverty makes girls more vulnerable to child marriage. Child, early and forced marriage could result in early pregnancy causing physical and mental health issues such as complications during childbirth, and dropping out of school.[112]

72. HRW highlighted that thousands of children were working in hazardous conditions on tobacco farms. Child tobacco workers were exposed to nicotine, handled toxic chemicals, used sharp tools, lifted heavy loads, and worked in extreme heat.[113]

73. Global Detention Project (GDP) noted that children could be detained under Indonesian immigration law and hundreds of children were detained every year, including unaccompanied children, who were often detained with unrelated adults.[114]

Persons with disabilities[115]

74. Joint Submission 16 (JS16) noted that there was no civil society involvement in drafting the Disability Action Plan, now merged into the National Action Plan of Human Rights, which does not confirm the existence of an independent body to monitor and supervise its implementation.[116]

75. JS16 stated that perpetrators of sexual violence against persons with disabilities were often not brought to justice, mainly due to the weak protection system.[117]

76. JS16 noted that, under a number of laws, including the Private Law and the Mental Health Law, persons with psychosocial disabilities were considered legally incompetent, which violated the rights of persons with disabilities as victims, witnesses or suspects.[118]

77. JS16 stated that political participation of persons with disabilities was poor, due to lack of data collection, as well as that of the accessible and inclusive voting process, including voter registration.[119] JS16 also noted that there were many cases of women with psychosocial and mental disabilities experiencing serious violations of their right to reproductive health, including forced sterilization.[120]

78. JS16 noted that the government support provided to children with cerebral palsy was not adequate, including lack of health facilities to care for the needs of these children.[121]

79. JS16 recommended that the Government include persons with disabilities in the health and social security scheme; provide physical and non-physical accessible accommodation and proper infrastructures in health service facilities; and ensure that persons with disabilities participate in "the Stop Shackling Movement 2017", and that all actions therein are implemented on the ground.[122]

80. JS16 stated that students with disabilities enrolled in inclusive education schools continued to be marginalized and labelled as the "inclusive kids". JS16 also noted that education facilities and infrastructure such as physical accessibility in school or tools and medium for teaching and learning activities were not yet available.[123]

Minorities and indigenous peoples[124]

81. JS14 stated that the Government had failed to take the measures necessary to prevent discrimination of minorities. Discriminatory policies were upheld and members of minority groups were restricted not only in the establishment of houses of worship but also in access to the civil registration services, social services and educational opportunities.[125]

82. AMAN noted that the Government stance on the rights of indigenous peoples was contrary to Constitutional Court decision No. 35/PUU-X/2012, which affirms the constitutional rights of indigenous peoples to their lands and territories, including their collective rights over customary forests.[126] Unrepresented Nations and Peoples Organization recommended that the Government stop land-grabbing practices which deprive indigenous peoples of their means of subsistence and engage regional ethnic communities affected by resource extraction under the principles of free, prior and informed consent.[127]

83. Saniri Alifuru noted that the protection of the rights of indigenous peoples were not reflected in the legislation that should be in line with international law and respect and protect the rights of indigenous peoples, especially the right to their natural resources as reflected in Article 26 of the UN Declaration on the Rights of Indigenous Peoples.[128]

84. Saniri Alifuru highlighted that the Indonesian Ministry for Forestry and Environment had granted the 250 hectares encompassing Gunung Botak to a mining company, Freeport-McMoRan Inc., which had also removed indigenous peoples living there.[129]

85. JS18 recommended that Indonesia urge all companies to respect the decision of the Constitutional Court (35/PUU-X/2012 on the recognition of customary forest) and reinforce recognition of all indigenous peoples in Indonesia. JS18 also recommended that Indonesia urge all companies operating in West Papua to respect the principle of free, prior and informed consent.[130]

86. Saniri Alifuru highlighted that the Government's education policies were not culturally appropriate as they focused on educating the young indigenous generation to conform to the social norms of the Indonesian society while the Alifuru interests were discouraged and any indigenous practice was prevented from being considered in such education policies.[131]

87. JS18 recommended that Indonesia recognize, respect and appreciate indigenous Papuan's culture, including customs and customary law in the implementation of development policies and public life in West Papua, and that Indonesia acknowledge the importance of local culture by integrating all elements of Papuan culture as an integral part in the education system.[132]

Migrants, refugees and asylum seekers and internally displaced persons[133]

88. GDP noted that nearly 6,000 refugees and asylum seekers were detained in Indonesia in 2014. GDP also noted that despite some procedural safeguards under Indonesian laws and regulations, concern was expressed about whether many of these safeguards are provided in practice, especially in cases where detention appears to be employed without an adequate legal basis.[134]

89. GDP also highlighted that overcrowding in detention centres was a recurrent complaint. In some detention centres, migrants could freely move about while in others detainees remained locked up in cells. In this regard, GDP recommended that Indonesia ensure that conditions of administrative detention meet international standards for the treatment of persons deprived of liberty.[137]

5. Specific regions or territories

90. JS8 noted that between 2012 and 2016, security force perpetrators of extra-judicial killings, torture and arbitrary arrests enjoyed impunity as part of a widespread culture of impunity.[138]

91. JS17 stated that there was no freedom of expression in West Papua. West Papuans were being jailed, tortured and killed for peacefully expressing their political opinion and desire for self-determination.[139] Joint Submission 12 (JS12-PIANGO) recommended that Indonesia provide a timeline towards self-determination for West Papua and have the process start immediately and completed by no later than the end of 2020.[138]

92. Joint Submission 28 recommended that the Government immediately halt the security approach to maintaining peace in Papua, and conduct comprehensive and constructive dialogues between the Government and the Papuan people.[139]

93. JS12-PIANGO stated that Indonesia must stop taking away lives, security and liberty of West Papuans. Indonesia should also investigate fully all human rights abuses and bring perpetrators to justice in accordance with the due process of law.[140]

94. AI highlighted that the authorities continued to use legislation to criminalize peaceful political activities, particularly in areas where there is a history of pro-independence movements such as Maluku and Papua.[141] JS11 highlighted that Article 106 of the Criminal Code, *makar* (treason) was being used to arrest and detain West Papuan civil society actors for peaceful protests.[142]

95. AI stated that in Papua, it continued to receive credible reports of unlawful killings and unnecessary or excessive use of force and firearms by the police and military personnel during peaceful pro-independence protests and gatherings. The Government failed to distinguish between violent armed groups and peaceful activists. AI further highlighted that political activist and others accused of links to pro-independence groups had been tortured or otherwise ill-treated during arrest and detention.[143]

96. JS12-PIANGO emphasized that Indonesia should stop forcing the indigenous minorities of West Papua who seek self-determination to disappear, and that Indonesia should investigate all acts of enforced disappearance and bring the perpetrators to justice.[144]

97. Joint Submission 8 (JS8) stated that in West Papua, police officers unlawfully arrested, detained, and tortured protestors and initiated criminal charges against those who had been suspected of having organized protests.[145] JS8 further highlighted that arrests, torture, maltreatment and imprisonment remained police forces' frequent response to political mass demonstrations in West Papua.[146] Joint Submission 11 (JS11) expressed similar concerns especially highlighting that 2013 saw the number of arbitrary arrest reaching 548. JS11 also noted that in 2015, at least 1,083 people were arbitrarily arrested.[147]

98. JS11 noted that waving and possessing the Morning Star Flag, a symbol of West Papuan nationalism and cultural unity, continued to be used as a basis for arrest, interrogation and intimidation.[148]

99. JS8 emphasized that human rights defenders in West Papua were subjected to various measures aimed at obstructing their work, including surveillance, criminalization, treason-related stigmatization, and threats to their physical integrity.[149]

Notes

[1] Prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21.

[2] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. One asterisk denotes a national human rights institution with "A" status.

Civil society

Individual submissions:

ADF	ADF International, Geneva (Switzerland);
AI	Amnesty International, London (United Kingdom);
AMAN	Aliansi Masyarakat Adat Nusantara, Jakarta (Indonesia);
ALRC	Asian Legal Resource Centre, Hong Kong (China);
CSW	Christian Solidarity Worldwide, New Malden (United Kingdom);
Freedom Now	Freedom Now, Washington D.C. (United States of America);
GDF	Global Detention Project, Geneva (Switzerland);
HRW	Human Rights Watch, New York (United States of America);
IPT1965	Foundation International People's Tribunal 1965 Crimes against Humanity in Indonesia, Jakarta (Indonesia);
JUBILEE	JUBILEE, Fairfax, VA (United States of America);
L4L	Lawyers for Lawyers, Amsterdam (Netherlands);
Saniri Alifuru	Saniri Alifuru, Ambon (Indonesia);
SP	Solidaritas Perempuan, Jakarta (Indonesia).

Joint submissions:

JS1	**Joint submission 1 submitted by:** CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa); Legal Aid Institute for the Press, ICJR, ELSAM, YAPPIKA and AJI;
JS2	**Joint submission 2 submitted by:** The Commission for the Disappeared and Victims of Violence (KontraS), Jakarta (Indonesia) and Asia Justice and Rights (AJAR), Jakarta (Indonesia);
JS3	**Joint submission 3 submitted by:** The Commission for the Disappeared and Victims of Violence (KontraS), Jakarta (Indonesia) and Asia Justice and Rights (AJAR), Jakarta (Indonesia);
JS4	**Joint submission 4 submitted by:** The Commission for the Disappeared and Victims of Violence (KontraS), Jakarta (Indonesia) and Democracy Education Association (P2D), Jakarta (Indonesia);
JS5	**Joint submission 5 submitted by:** Coalition for Enforcement of Law and Human Rights in Papua (ELSHAM PAPUA; KPKC Sinode GKI Di Tanah Papua; The Harapan Ibu Papua Foundation (YHI-P, Jayapura); The GKI Women Empowerment and Development Center (P3W GKI); Hummi Inane Foundation; Belantara Papua Foundation; Papuan Peoples Network (JERAT-Papua); and Women Advocacy Organization (El_adpper)), (Indonesia);
JS6	**Joint submission 6 submitted by:** The LGBTIQ Forum of Indonesia, Jakarta (Indonesia);
JS7	**Joint submission 7 submitted by:** The Foundation of Legal Aids Institutions (YLBHI), Jakarta Legal Aid Institution, Human Rights Working Group (HRWG), and Perhimpunan Bantuan Hukum Indonesia (PBHI), Jakarta (Indonesia);
JS8	**Joint submission 8 submitted by:** Coalition for Enforcement of Law and Human Rights in Papua (ELSHAM PAPUA; KPKC Sinode GKI Di Tanah Papua; KPKC Sinode Kingmi

	Papua; SKPKC Franciscans Papua; Perkumpulan Jubi; Aliansi Demokrasi untuk Papua (AIDP); Lembaga Penelitian, Pengkajian dan Pengembangan Bantuan Hukum (LP3BH); and Lembaga Bantuan Hukum (LBH) Papua)), (Indonesia);
JS9	**Joint submission 9 submitted by:** LBH Masyarakat, Jakarta (Indonesia); Reprieve, London (United Kingdom of Great Britain and Northern Ireland); and International Centre on Human Rights and Drug Policy, Essex (United Kingdom of Great Britain and Northern Ireland);
JS10	**Joint submission 10 submitted by:** Rutgers WPF Indonesia (Indonesia); Ardhanary Institute (Indonesia); Yayasan Pulih (Indonesia); Suara Kita (Indonesia); Aliansi Remaja Independen (Indonesia); Perempuan Mahardhika (Indonesia); GWL-INA; and Sexual Rights Initiative (SRI);
JS11	**Joint submission 11 submitted by:** TAPOL (Indonesia); and BUK (Indonesia);
JS12-PIANGO	**Joint submission 12 submitted by:** Pacific Islands Association of Non-Governmental Organizations (PIANGO), Suva (Fiji);
JS13	**Joint submission 13 submitted by:** Institute for Policy Research and Advocacy (ELSAM), Jakarta (Indonesia) and Privacy International, London (United Kingdom of Great Britain and Northern Ireland);
JS14	**Joint submission 14 submitted by:** The Commission for the Disappeared and Victims of Violence (KontraS), Jakarta (Indonesia) and Democracy Education Association (P2D), Jakarta (Indonesia);
JS15	**Joint submission 15 submitted by:** Millah Abraham/ex-Gerakan Fajar Nusantara (GAFATAR) and SETARA Institute for Democracy and Peace (Indonesia);
JS16	**Joint submission 16 submitted by:** Indonesian Disability Persons Organizations (DPOs) (Indonesia);
JS17	**Joint submission 17 submitted by:** Dewan Adat Papua (Papuan Customary Council); Tapol Napol Papua (Papuan Political Prisoners); and PASIFIKA;
JS18	**Joint submission 18 submitted by:** The Papuan Peoples Network (JERAT PAPUA); The Teratai Hati Foundation (YAYASAN TERATAI HATI PAPUA); The Harapan Ibu Foundation (YAYASAN HARAPAN IBU); and The Belantara Foundation (YAYASAN BELANTARA);
JS19	**Joint submission 19 submitted by:** Indonesian Civil Society Coalition on sexual rights and reproductive rights (Indonesia);
JS20	**Joint submission 20 submitted by:** CIVICUS; Legal Aid Center for the Press (LBH Pers); the Institute for Policy Research and Advocacy (ELSAM); the Institute for Criminal Justice Reform (ICJR); the Peoples Participation Initiative; Partnerships Strengthening Foundation (YAPPIKA); and the Indonesian Alliance of Independent Journalists (AJI Indonesia) (Indonesia);
JS21	**Joint submission 21 submitted by:** The Commission of Justice, Peace and Integrity of Creation of Franciscans Papua (SKPKC Franciscans Papua); The Commissions of Justice and Peace of the Catholic Dioceses of Merauke (SKP Merauke); Timika (SKP Timika); Agats (SKP Agats) and Sorong (SKP Sorong); VIVAT Indonesia; VIVAT International; and Franciscans International;

JS22 **Joint submission 22 submitted by:** NGO Coalition for International Human Rights Advocacy (Human Rights Working Group, HRWG), (Indonesia);

JS23 **Joint submission 23 submitted by:** Seven Civil Society Organizations (Indonesia);

JS24 **Joint submission 24 submitted by:** Human Rights Working Group (HRWG); Setara Institute for Democracy and Peace; Banda Aceh Legal Aid Institute (LBH Banda Aceh); the Institute for Islamic and Social Studies (LKIS) Yogyakarta; the Indonesian Legal Aid Foundation (YLBHI); and Solidaritas Perempuan (Women's Solidarity for Human Rights); Association of Journalists for Diversity (SEJUK); Association of Asian Muslim Network (AMAN) Indonesia; and CMARs (Center for Marginalized Communities Studies) (Indonesia);

JS25 **Joint submission 25 submitted by:** The Commission for the Disappeared and Victims of Violence (Kontras), Jakarta (Indonesia) and Mining Advocacy Network (JATAM), Jakarta (Indonesia);

JS26 **Joint submission 26 submitted by:** *Papua Itu Kita* (We are Papua);

JS27 **Joint submission 27 submitted by:** The Commission for the Disappeared and Victims of Violence (Kontras), Jakarta (Indonesia); Democracy Education Association (P2D), Jakarta (Indonesia); and The Indonesian Center for Law and Policy Studies (PSHK), Jakarta (Indonesia);

JS28 **Joint submission 28 submitted by:** The Commission for the Disappeared and Victims of Violence (Kontras), Jakarta (Indonesia); and Papua Resource Centre;

JS29 **Joint submission 29 submitted by:** The Commission for the Disappeared and Victims of Violence (Kontras), Jakarta (Indonesia); International Federation for Human Rights (FIDH), Paris (France); and Center of Human Rights Law Studies (HRLS), Surabaya (Indonesia);

JS30 **Joint submission 30 submitted by:** TBC, (Indonesia);

JS31 **Joint submission 31 submitted by:** The Commission for the Disappeared and Victims of Violence (Kontras), Jakarta (Indonesia); and Consortium of Agricultural Reform (KPA), Jakarta (Indonesia);

JS32 **Joint submission 32 submitted by:** WALHI (Friends of the Earth Indonesia), Franciscans International, the Mining Advocacy Network (Jatam), Jakarta Legal Aid Foundation (LBH Jakarta), the Agrarian Reform Consortium (KPA), Indonesian Legal Aid Foundation (YLBHI), and Women's Solidarity for Human Rights (Solidaritas Perempuan), (Indonesia);

JS33 **Joint submission 33 submitted by:** Watch Indonesia! e.V.; West Papua Network (WPN), and World Organization against Torture (OMCT), Geneva (Switzerland);

JS34 **Joint submission 34 submitted by:** SETARA Institute for Democracy and Peace, The Foundation of Legal Aid Institutions (YLBHI), Human Rights Working Group (HRWG) (Indonesia);

JS35 **Joint submission 35 submitted by:** Aras Pelangi, Kontras (Commission Disappearances and Victim of Violence); National Legal Aid Reform Consortium (KRHN); Legal Aid

Foundation for the Press (LBH Pers); Protection Desk Indonesia (Yayasan Perlindungan Insani Indonesia); Human Rights Working Group (HRWG); Indonesian Forum for the Environment (Walhi); Mining Advocacy Network (Jatam); Association for Community and Ecological Based Law Reform (HuMA); Imparsial, Greater Bogor Legal Aid Foundation (LBH KBR); Linkar Borneo, Indonesian Legal Aid Foundation (YLBHI); Indonesia Legal Aid and Human Rights Association (PBHI); Semarang Legal Aid Foundation (LBH Semarang); Yogyakarta Legal Aid Foundation (LBH Yogyakarta); National Network for Domestic Workers Advocacy (JALA PRT); the Association of Journalists for Diversity (Sejuk); and the Setara Institute (Indonesia).

National human rights institution(s):

Komnas HAM	Indonesian National Human Rights Commission*, Jakarta (Indonesia);
Komnas Perempuan	Indonesian National Commission on Violence against Women, Jakarta (Indonesia);
KPAI	Indonesian Commission on Child Protection, Jakarta (Indonesia).

[3] Komnas HAM, para. 31.
[4] Komnas HAM, para. 33.
[5] Komnas HAM, para. 40.
[6] Komnas HAM, para. 2.
[7] Komnas HAM, para. 3.
[8] Komnas HAM, paras. 16, 19 and 28.
[9] Komnas HAM, para. 46.
[10] Komnas HAM, para. 56.
[11] Komnas HAM, para. 25.
[12] Komnas HAM, para. 22.
[13] Komnas HAM, para. 49.
[14] Komnas HAM, para. 53.
[15] The following abbreviations are used in UPR documents:
[16] For relevant recommendations see A/HRC/21/7, paras. 108.1, 108.2, 108.3, 108.4, 108.5, 108.6, 108.7, 108.8, 108.9, 108.11, 108.12, 108.13, 108.14, 108.15, 108.16, 108.17, 108.20, 108.21, 108.22, 108.23, 108.24, 108.25, 108.51, 108.52, 108.53, 108.54, 108.55, 108.56, 108.57, 108.58, 109.1, 109.4, 109.6, 109.8, 109.9, 109.10, 109.11, 109.12, 109.13, 109.14, 109.15, and 109.16.
[17] AI, p. 1.
[18] For relevant recommendations see A/HRC/21/7, paras. 108.18, 108.30, 108.31, 108.32, 108.33, 108.34, 108.35, 108.37, 108.38, 108.39, 108.40, 108.42, 108.43, 108.44, 108.45, 108.46, 108.47, 108.48, 108.49, 108.50, 108.61, 108.84, 108.85, 108.86, 108.87, and 109.20.
[19] AI, p. 2.
[20] *Komnas Perempuan*, para. 4.
[21] For relevant recommendations see A/HRC/21/7, paras. 108.68, and 109.20.
[22] SP, pp. 6 – 7.
[23] JS14, para. 42.
[24] For relevant recommendations see A/HRC/21/7, paras. 108.141, 108.142, 108.143, and 108.144.
[25] JS17, p. 13.
[26] JS32, para. 8.
[27] JS18, para. 38.
[28] Saniri Alifuru, p. 4.
[29] JS25, p. 7.
[30] JS26, para. 47.
[31] JS4, para. 21. See also JS30, p. 7.
[32] For relevant recommendations see A/HRC/21/7, paras.: 108.26; 108.27; 108.28; 108.29; 108.69; 108.70; 108.71; 109.21; 109.22; 109.23; 109.33; and 109.35.

[33] JS23, para. 3. See also JS29, paras. 9–12., and JS30, p. 1.
[34] JS30, p. 1.
[35] AI, p. 7. See also JS9, para. 1.
[36] JS9, para. 7.
[37] JS9, para. 14.
[38] AI, p. 1.
[39] JS3, para. 6.
[40] ALRC, para. 1.
[41] JS3, para. 32.
[42] JS1, para. 1.9. See also JS27, para. 18.
[43] JS5, para. 12.
[44] JS9, paras. 21 and 23.
[45] HRW, p. 6.
[46] JS6, paras. 14–15.
[47] CSW, para. 11.
[48] SP, pp. 3–4.
[49] JS10, para. 18.
[50] For relevant recommendations see A/HRC/21/7, paras.: 108.12; 108 88; 108.89; 108.90; 108.91; 108.94; 108.95; 108.96; 108.119; 109.3; 109.5; 109.24; 109.25; and 109.29.
[51] JS9, para. 32.
[52] JS9, para. 35.
[53] L4L, para. 8. See also Freedom Now, p. 6.
[54] L4L, para. 9.
[55] L4L, para. 10.
[56] *Freedom Now*, p. 6. See also JS35, Recs. No. 11.
[57] HRW, p. 2.
[58] JS22, para. 12.
[59] AI, p. 2.
[60] JS2, para. 14.
[61] IPT 1965, paras 4 and 16.
[62] JS2, para. 10.
[63] AI, p. 3.
[64] JS2, para. 11.
[65] AI, p. 3.
[66] For relevant recommendations see A/HRC/21/7, paras.: 108.67; 108.97; 108.98; 108.99; 108.100; 108.101; 108.102; 108.103; 108.104; 108.105; 108.106; 108.107; 108.108; 108.109; 108.110; 108.111; 108.112; 108.113; 108.114; 108.116; 108.117; 108.118; 108.139; 109.17; 109.18; 109.19; 109.30; 109.31; 109.32; and 109.34.
[67] HRW, p. 2.
[68] JS14, para. 6.
[69] CSW, para. 5.
[70] ADF, paras. 12–13. See also JS14, paras. 7 and 13–35, and JS15, para. 3.
[71] ADF, para. 20.
[72] AI, p. 5. See also JS14, paras. 11–12, and JS34, paras. 6–26.
[73] JS15, para. 13.b. See also CSW, para. 19.
[74] JS14, para. 30. See also CSW, para. 16.
[75] JS24, paras. 24–26.
[76] JS7, para. 4.
[77] Jubilee, p. 4.
[78] JS1, para. 2.3.
[79] JS20, para. 3.6.
[80] JS1, para. 4.2.
[81] For relevant recommendations see A/HRC/21/7, paras.: 108.76; 108.77; 108.78; 108.79108.80; 108.81; and 108.83.
[82] KPAI, p.2.
[83] JS13, paras. 33–34.

[84] JS13, para. 16.
[85] JS13, para. 30.
[86] For relevant recommendations see A/HRC/21/7, para. 108.138.
[87] JS18, para. 20.
[88] For relevant recommendations see A/HRC/21/7, para. 108.60.
[89] JS31, pp.4 and 6.
[90] JS33, para. 15.
[91] JS18, para. 25.
[92] JS18, para. 38.
[93] For relevant recommendations see A/HRC/21/7, paras. 108.120; 108.121; 108.122; 108.123; and 108.124.
[94] JS18, para. 7.
[95] JS9, para. 5.
[96] JS9, para. 51 (iv).
[97] JS19, paras. 10 and 15.
[98] JS10, para. 2.
[99] JS18, para. 10.
[100] For relevant recommendations see A/HRC/21/7, paras.: 108.125; 108.126; 108.127; 108.128; 108.129; 108.130; 108.131; 108.132; and 108.133.
[101] JS18, para. 18.
[102] For relevant recommendations see A/HRC/21/7, paras.: 108.64; 108.65; 108.66; 108.72; 108.73; 108.74; 108.92; 109.2; 109.26; and 109.27.
[103] Komnas Perempuan, para. 6.
[104] HRW, p. 4.
[105] Komnas Perempuan, para. 10.
[106] HRW, p. 5.
[107] HRW, p. 5.
[108] Komnas Perempuan, para. 9.
[109] For relevant recommendations see A/HRC/21/7, paras.: 108.19; 108.28; 108.63; 108.75; and 108.82.
[110] KPAI, p. 2.
[111] JS10, para. 39.
[112] JS10, para. 41.
[113] HRW, p. 3.
[114] GDP, para. 6. See also HRW, p. 4.
[115] For relevant recommendations see A/HRC/21/7, paras.: 108.134; 108.135; and 108.136.
[116] JS16, para. 4.
[117] JS16, para. 12.
[118] JS16, paras. 40–49.
[119] JS16, paras. 17–18.
[120] JS16, para. 9.
[121] JS16, paras. 15–16.
[122] JS16, para. 35.
[123] JS16, para. 21.
[124] For relevant recommendations see A/HRC/21/7, paras.: 108.115; 108.140; and 109.36.
[125] JS14, para. 37.
[126] AMAN, para. 4.
[127] UNPO, p. 6.
[128] Saniri Alifuru, p. 3.
[129] Saniri Alifuru, p. 4.
[130] JS18, para. 33.
[131] Saniri Alifuru, p. 5.
[132] JS18, para. 30.
[133] For relevant recommendations see A/HRC/21/7, para. 108.137.
[134] GDP, paras. 3 and 5.
[135] GDP, paras. 8–9.
[136] JS8, para. 36.

[137] JS17, p. 1.
[138] JS12-PIANGO, para. 4.
[139] JS28, p. 8.
[140] JS12-PIANGO, para. 6.
[141] AI, p. 4.
[142] JS11, para. 29.
[143] AI, p.5. See also JS12-PIANGO, para. 10., and JS21, paras. 12–17.
[144] JS12-PIANGO, para. 12.
[145] JS8, para. 12.
[146] JS8, para. 19.
[147] JS11, paras. 10–11.
[148] JS11, para. 16.
[149] JS8, para. 27.